IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8799 OF 2004

Mohammed Zubair A.S.Merchant.. ... Petitioner.

Versus

Abdul Karim Kurban Ali Hirjee & Ors... Respondents.

Mr. A.S. Khandeparkar with Ms.Vidya Bandekar
for the Petitioner.

Mr. I. S.Mecwan for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 13TH JUNE, 2005.

P.C.:

The Petitioner has impugned the order dated 3rd September, 2004 passed by the Small Causes Court, Mumbai in Interim Notice No. 3380 of 2004 in RAE & R Suit No. 171/354 of 1993.

2. The trial Court has extended the time to deposit the costs and interest allowed to the Respondents tenants under order dated 19th December, 1994. It appears that the Respondents deposited only rent but not interest and costs. The trial Court has on the basis of the evidence condoned the delay and allowed

the Respondents to deposit the interest and costs. The trial Court has allowed this apparently in view of the lapse on the part of the advocate. I see no reason to interfere with this order. Interim order of stay stands vacated.

3. The Petitioner may, however, raise such contentions as are available to him at the time of final hearing of the suit.

4. Writ Petition is, accordingly, dismissed.

Sd/-

(S. A. BOBDE, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1066 OF 2005

IN

WRIT PETITION NO. 8799 OF 2004

Abdul Karim Kurban Ali Hirjee.... Applicant.

Versus

Mohammed Zubair A.S.Merchant & Ors... Respondents.

Mr. I. S. Mecwan forthe Applicant.

Mr. A.S. Khandeparkar with Ms.Vidya Bandekar for Respondent Nos.1 and 2.

CORAM : S. A. BOBDE, J.

DATED : 13TH JUNE, 2005.

P.C.:

In view of the disposal of the writ petition itself, this civil application does not survive and is disposed of as such.

Sd/-

(S. A. BOBDE, J.)